

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

IN RE:
MELANGE S. SCOTT

DEBTOR

MELANGE S. SCOTT

MOVANT

Vs.

PETER M. FERRARO

RESPONDENT

CHAPTER 13
CASE NUMBER: 21-14292

**MOTION TO DISGORGE GARNISHED FUNDS FROM
CREDITOR PETER M. FERRARO AND FOR SANCTIONS**

NOW COMES, Melange S. Scott (hereinafter referred as “Movant” or “Debtor” respectively), by and through her attorneys KIM PARKER, ESQUIRE and THE LAW OFFICES OF KIM PARKER, P.A., and moves this Honorable Court pursuant to §105(a) , to Disgorge Funds Garnished from Movant’s paycheck and which are unlawfully held by Peter M. Ferraro and for reasons state:

1. The Debtor commenced this case under Chapter 7 of the Bankruptcy code on June 30, 2021; which was later converted to Chapter 13 on August 21, 2021.
2. Peter M. Ferraro (the “Creditor” or “Respondent”) has filed a claim as a result of a judgment issued in the Circuit Court for Baltimore County on April 19, 2021, in the amount of \$18,346.99.
3. Prior to the filing of the Voluntary Petition, the Creditor, by counsel, garnished funds from the debtor’s employer via a Wage Withholding Order (the” Order”).

4. Movant was entitled to the return of all funds garnished ninety (90) days prior to the filing of the Voluntary Petition.

5. The total amount garnished was \$1,340.72. To date, all the funds have been returned with the exception of \$522.71 which was remitted to the Creditor directly. **Exhibit A**

6. Despite demand for the return of the funds, the Creditor has refused.

7. Disgorgement is an equitable remedy which requires the Court to exercise its powers under §105(a) of the Bankruptcy Code.

8. The Creditors failure to turn over the garnishment funds has impaired Movant's exemptions and is tantamount to a preferential payment.

WHEREFORE, for all the foregoing reasons, Movant respectfully requests that this Court enter an Order (a) requiring The Creditor, Peter M. Ferraro to return the sum of \$522.71 to the Movant, (b) entered an award of attorneys and cost for the filing of this motion (c) for such other and further relief as may be deemed just and proper.

Respectfully Submitted,

THE LAW OFFICES OF KIM PARKER, ^{P.A.}

/s/ Kim Parker

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of December 2021, a copy of the foregoing Motion to Disgorge was served via the Court's ECF filing system to Scott Wheat, Esquire, counsel for the Respondent.

/s/ Kim Parker

Kim Parker, Esquire